

REMARKS

In the office action, the examiner rejected claims 1-26. By the present response, claims 1, 11, 20, 25, and 26 are amended. Upon entry of the amendments, claims 1-26 remain pending in the present application and are believed to be in condition for allowance. In view of the amendments and the following remarks, the applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Amendments

By this paper, the applicant hereby amends claims 1, 11, 20, 25, and 26 for clarification of certain features to expedite allowance of the present application. Specifically, the amended claims include recitations directed to the transmission of image data to a service center. These amendments do not add any new matter. Support for the amendments may be found at least at page 12, line 20 to page 13, line 4; and page 14, line 24 to page 15, line 5 of the specification.

Claim Rejections under 35 U.S.C. § 103(a)

The examiner rejected claims 1, 2, 11, 12, and 14-26 under 35 U.S.C. § 103(a) as unpatentable over Medema et al. (U.S. Patent No. 6,937,150, hereinafter “Medema”) in view of Roman et al. (U.S. Patent No. 6,621,413, hereinafter “Roman”). Further, the examiner rejected claims 3-10 and 13 under 35 U.S.C. § 103(a) as unpatentable over Medema in view of Roman and Miyauchi et al. (U.S. Patent No. 6,834,207, hereinafter “Miyauchi”). The applicant respectfully traverses these rejections.

Legal Precedent and Guidelines

The pending claims must be given an interpretation that is reasonable and consistent with the *specification*. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969) (emphasis added); see also *In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); see also M.P.E.P. sections

608.01(o) and 2111. Indeed, the specification is “the primary basis for construing the claims.” *See Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (*en banc*). One should rely *heavily* on the written description for guidance as to the meaning of the claims. *See id.*

The burden of establishing a *prima facie* case of obviousness falls on the examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). The *KSR* court stated that “it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does ... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references must be thorough and searching, and it must be based on *objective evidence of record*. *In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Medema and Roman, taken alone or in hypothetical combination, fail to teach or suggest features recited by independent claims 1, 11, 20, and 26.

First, Medema and Roman, taken alone or in hypothetical combination, fail to teach or suggest “transmits operational data and *image data* to a service center,” as recited by independent claim 1, “transmitting operational data and *image data*,” as recited

by independent claims 11 and 20, or “means for communicating the plurality of operational conditions, *image data*,” as recited by independent claim 26. (Emphasis added.) In contrast, Medema discloses the transmission of data related to a portable medical device, such as a defibrillator. *See* Medema, col. 6, lines 32-33. Specifically, Medema states:

in block 39, the medical device 12 transmits the resulting data of the requested process to the remote locating service 18. The transmitted resulting data may be the requested status or condition information, self-test results, a confirmation that software update has been completed, or physiological data of a patient detected by the medical device 12.

Medema, col. 8, lines 22-28

Thus, Medema fails to disclose image data, much less transmitting or communicating image data to a service center. In fact, the applicant performed a search of an electronic version of Medema, and did not find any instances of the terms image, imaging, or related terms.

Further, Roman fails to obviate the deficiencies of Medema. Instead, Roman discloses the transmission of operational data of a mobile magnet system. Specifically, “*operational data* can also be transferred to remote, central facility 14 to assist in prediction of *service needs*.” Roman, col. 3, lines 49-50 (emphasis added). Thus, Roman also fails to disclose image data, much less transmitting or communicating image data to a service center.

Second, Medema and Roman, taken alone or in hypothetical combination, fail to teach or suggest “a *low earth orbit* transceiver coupled to the imaging system,” as recited by independent claim 1 or “a *low earth orbit* satellite system,” as recited by independent claims 11, 20, and 26. (Emphasis added.) In contrast, Medema discloses wireless

cellular phone systems. Specifically, Medema “provides a system and method for reliably locating a portable medical device, such as an AED, by utilizing wireless automatic location identification (ALI) technologies.” Medema, col. 1, lines 54-75. Moreover, “the invention provides a wireless ALI-capable system, including a medical device having a wireless data communicator, such as a *cellular phone*.” *Id.*, col. 1, lines 59-61 (emphasis added). Further, “[t]he term ALI refers to the location identification capability in compliance with the wireless Enhanced 911 standard . . . [that] mandates that *cellular phone* service providers . . . provide the capability to locate the position of a *cellular phone* making an emergency (911) call within the provider’s system.” *Id.*, col. 2, lines 2-10 (emphasis added). As the plain meaning of the words would suggest, cellular phones typically communicate over a *cellular* network of *terrestrial* (land-based) cell sites instead of a satellite network. Because of this difference, cellular networks are not the same as satellite networks. For example, “cellular technologies have a more limited coverage area than the LEO satellite system 22 because the height of the tower limits the range of coverage.” *See* Specification, page 7, lines 15-23. Thus, Medema fails to disclose satellite systems, much less “a low earth orbit transceiver,” as recited by independent claim 1 or “a low earth orbit satellite system,” as recited by independent claims 11, 20, and 26. In fact, the applicant performed a search of an electronic version of Medema, and did not find any instances of the terms satellite, orbit, low earth, or related terms.

Further, Roman fails to obviate the deficiencies of Medema. Instead, Roman discloses servicing a mobile magnet using wireless communications. Specifically, “[t]he mobile magnet has a sensor . . . and a computer coupled to the sensor configured to receive sensor data . . . [t]he method includes receiving the sensor data at a remote monitoring station via a wireless communication link with the computer.” Roman, col. 1, lines 61-67. In addition, Roman states:

[c]ommunication link 34 may include *any* wireless communication technology, including radio frequency, circuit-switched links provided by *terrestrial* cellular systems (e.g., AMPS, CDMA, TDMA, iDEN or GSM) as well as *geostationary* satellite networks (American Mobile Satellite Corporation, TMI Communications, Inmarsat, Globalstar), packet-switched links provided by terrestrial networks (Mobitex, DataTac, CDPD), and satellite networks (Norcom, AMSC, TMI, Inmarsat, Orbcomm, Qualcomm), etc.

Id., col. 4, lines 4-13 (emphasis added).

In view of this broad listing of wireless communication technologies in Roman, it appears that the selection of a *particular* technology is not critical. Thus, a person of ordinary skill in the art relying on Roman would not necessarily be motivated to choose a particular wireless technology from the list disclosed by Roman. Moreover, although Roman discloses satellite networks, Roman fails to disclose “a low earth orbit transceiver,” as recited by independent claim 1 or “a low earth orbit satellite system,” as recited by independent claims 11, 20, and 26. In fact, the applicant performed a search of an electronic version of Roman, and did not find any instances of the terms low, earth, orbit, LEO, or related terms. Although Roman discloses geostationary satellite networks, such networks are not the same as low earth orbit satellite systems. For example, “the LEO satellite system 22 beneficially provides . . . a responsive monitoring system that does not experience the longer delays of the higher orbit GEO satellites.” *See* Specification, page 7, line 25 to page 8, line 2.

In view of these deficiencies among others, Medema and Roman, taken alone or in hypothetical combination, cannot render obvious the current independent claims 1, 11, 20, and 26 and their dependent claims. For at least these reasons among others, the applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103.

Medema, Roman, and Miyauchi, taken alone or in hypothetical combination, fail to teach or suggest features recited by dependent claims 3 and 13.

Medema, Roman, and Miyauchi, taken alone or in hypothetical combination, fail to teach or suggest “at least one monitor for monitoring at least one operational condition of the imaging system and providing at least one operational condition to the service center,” as recited by dependent claim 3 or “at least one monitor coupled to the imaging system,” as recited by dependent claim 13. As admitted by the examiner, Medema fails to disclose an imaging system. Office Action, page 2. In addition, the examiner stated: “Medema and Roman disclose an imaging system monitoring system as set forth above, except for specifically stating that imaging information at a monitor of the imaging system is provided to a display at a service center.” Office Action, page 4.

Miyauchi discloses a remote instruction method for medical equipment. Specifically, Miyauchi “provide[s] an operating guidance system for a medical system whereby it is possible to give accurate and effective instruction on the operation of a medical imaging system from a distance.” Miyauchi, col. 1, lines 56-59. The citation by the examiner to col. 4, lines 39-50 of Miyauchi refers to computer display monitors. Office Action, page 4. Specifically, monitors 22B and 32B appear to be computer display monitors, such as cathode ray tube monitors, in figure 1 of Miyauchi. *See also* Miyauchi, col. 4, lines 39-50. In addition, Miyauchi refers to “the same image is displayed on the monitor 32B of the work station 32 and the monitor 22B of the operating device 21B in the hospital 11.” Miyauchi, col. 4, lines 42-45. In contrast, dependent claim 3 recites a “monitor *for monitoring* at least one operational condition of the imaging system and providing at least one operational condition to the service center.” (Emphasis added.) Examples of such monitors include “the smart helium meter 68, the heater monitor 70, the cooling system monitor 72, and the pressure release monitor 74.” *See* Specification, page 14, lines 6-22. Such monitors are not the same as computer display monitors. For example, the specification refers separately to computer display monitors in the context of

a workstation: “[t]he workstation/interface 46 may include a computer system with a keyboard, a monitor, and a mouse, which are utilized to enter data into and display data from the imaging system 34.” Specification, page 11, lines 11-13. Thus, Miyauchi fails to disclose “at least one monitor for monitoring at least one operational condition of the imaging system and providing at least one operational condition to the service center,” as recited by dependent claim 3. Further, there is no indication that either monitor 22B or 32B is “coupled to the imaging system,” as recited by dependent claim 13. In view of these deficiencies among others, Medema, Roman, and Miyauchi taken alone or in hypothetical combination, cannot render obvious the current dependent claim 3 and its dependent claims or claim 13. For at least these reasons among others, the applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103.

Conclusion

The applicant respectfully submits that all pending claims should be in condition for allowance. However, if the examiner believes that certain amendments would expedite allowance of the present application or if the examiner wishes to resolve any other issues by way of a telephone conference, the examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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